

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELEVATED AG, LLC and MARICOPA
ORCHARDS, LLC,

Plaintiffs,

v.

KEVIN ASSEMI,

Defendant.

No. 1:24-cv-01372-KES-SKO

ORDER DISMISSING ACTION WITH
PREJUDICE FOR FAILURE TO STATE A
CLAIM

Doc. 16

Plaintiffs Elevated AG, LLC (“Elevated”) and Maricopa Orchards, LLC (“Maricopa”) initiated this action against defendant Kevin Assemi, who proceeds pro se, by filing a complaint on November 8, 2024. Doc. 1. On February 11, 2025, defendant filed a motion to dismiss, Doc. 8, which this Court referred to the assigned magistrate for the preparation of findings and recommendations, Doc. 12. On April 16, 2025, the assigned magistrate judge issued findings and recommendations recommending that defendant’s motion to dismiss be granted for failure to state a claim. Doc. 15. On June 6, 2026, the Court adopted the findings and recommendations in full. Doc. 16. The Court’s order adopting the findings and recommendations granted plaintiffs leave to file an amended complaint within thirty days. *Id.* at 2.

More than thirty days have since passed, and plaintiffs have not filed an amended complaint or otherwise responded to the Court’s order. As a result, there is no pleading on file

1 which sets forth any claims upon which relief may be granted.


2 Accordingly,

3 1. This action is dismissed with prejudice based on plaintiffs' failure to state a claim
4 upon which relief may be granted.

5 2. The Clerk of Court is directed to enter judgment and close this case.

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7
8 IT IS SO ORDERED.

9 Dated: July 11, 2025


UNITED STATES DISTRICT JUDGE